

S/N 09/751,329PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Scott R. Lange et al.	Examiner:	Alexis A Wachtel
Serial No.:	09/751,329	Group Art Unit:	1771
Filed:	December 29, 2000	Docket:	1443.001US1
Title:	COMPOSITE MATERIAL WITH CLOTH-LIKE FEEL		

DECLARATION UNDER 37 C.F.R. § 1.132

Commissioner for Patents
Washington, D.C. 20231

I, Scott R. Lange, declare and say as follows:

1. I am one of the co-inventors of subject matter claimed in the above-identified application. I make this Declaration in support of the patentability of the claims of the present application.
2. I am currently a Senior Nonwovens Process Engineer. I received a B.S. degree in Chemical Engineering from Michigan Technological University in 1992. I joined the Research and Engineering department at Kimberly Clark Corporation in October of 1992, and have nine years experience working with nonwoven composite materials. I am co-inventor on two previously granted U.S. Patents related.
3. I have read, and am thoroughly familiar with, the above-identified application, with the Office Action mailed on May 1, 2002, and the cited documents, and with the Amendment filed herewith, and make this declaration in support of the patentability of the claims of the application.
4. In the Office Action dated May 1, 2002, the Examiner rejected claims 2-8, 11, 12, 14-29 and 31, and 33-36 under 35 U.S.C. § 102(a) as allegedly anticipated by Jackson *et al.* (U.S. 4,741,944 "the '944 patent").
5. At my direction a composite material was prepared according to the disclosure of the '944 patent. The material was tested to determine the density, basis

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- weight and cup crush. The material prepared according to the '944 patent disclosure had a density of 0.035 g/cm^3 , a basis weight of 72 g/M^2 , and a cup crush of 186.5 g per cm.
6. Claim 2 requires that the composite elastic material has a cup crush less than about 120 g per cm. The material prepared according to the '944 patent fails to meet this limitation because the cup crush of 186.5 g per cm was higher than the cup crush limitation of the claim.
7. Claim 3 requires that the composite elastic material has a cup crush to density ratio of less than about 1579 cm^2 and greater than about 950 cm^2 . The cup crush-density ratio of material prepared according to the '944 patent was 5328.6 cm^2 . Therefore, the material prepared according to the '944 patent does not meet the cup crush-density ratio limitation of this claim.
8. Jackson does not disclose a composite elastic material with outer a non-elastic non-woven layer that meets the limitations required by claims 2 and 3. Therefore, the Jackson material does not meet the limitations of the instant claims and does not anticipate the pending claims.
9. I further declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date

July 29, 2003

Scott R. Lange

Scott R. Lange